

**Chapter 931 COMMERCIAL PARKING FACILITIES\***

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**\*Editor's note:** G.O. 183, 1997, § 15, passed Nov. 10, 1997, amended this chapter in its entirety, in effect repealing former §§ 931-1--931-8, 931-21--931-33 and 931-51--931-58, relative to commercial parking facilities, and enacting similar new provisions as herein set out. See the Code Comparative Table. Further, G.O. 51, 2001, § 2, adopted June 4, 2001, 183, 1997, states that G.O. 183, 1997, is amended by the deletion of the expiration date of July 1, 2002, as provided in section 29 thereof. It is the intent of this ordinance that the provisions of G.O. 183, 1997, which amended the "Municipal Code of Indianapolis and Marion County, Indiana" and the "Revised Code of the Consolidated City and County" shall not expire, but shall remain in full force and effect, and as they may have been amended, renumbered, or recodified since the effective date thereof.

**Cross references:** Traffic, ch. 441; motor vehicles, ch. 611; parking, standing and stopping restricted, ch. 621.

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**Article I. General Provisions**

- Sec. 931-101. Definitions.
- Sec. 931-102. Maintenance.
- Sec. 931-103. Prohibited uses on premises.
- Sec. 931-104. Notification of claims for damage or loss.
- Sec. 931-105. Notification to police of unclaimed vehicles.

**Article II. Registrations**

- Sec. 931-201. Registration required; fee.
- Sec. 931-202. Registration information required; plot plan.
- Sec. 931-203. Liability insurance or bond.
- Sec. 931-204. Investigation by division of compliance.
- Sec. 931-205. Issuance; required findings.
- Sec. 931-206. Registration term; renewals.
- Sec. 931-207. Report of changes of circumstances.
- Sec. 931-208. Transferability as to premises or persons.
- Sec. 931-209. Temporary commercial parking facilities.
- Sec. 931-210. Revocation.

**Article III. Premises Requirements**

- Sec. 931-301. Parking spaces and aisles when attendant parking does not occur.
- Sec. 931-302. Surfacing and barriers.
- Sec. 931-303. Entrances, exits and required reservoir area.
- Sec. 931-304. Lighting.
- Sec. 931-305. Rate signs required.
- Sec. 931-306. Landscaping requirements for commercial parking facilities not in a building.

**ARTICLE I. GENERAL PROVISIONS****Sec. 931-101. Definitions.**

As used in this chapter, the following terms shall have the meanings ascribed to them in this section.

*Attendant parking* means the practice of having the motor vehicle handled by the registrant between the motor vehicle reservoir area and the parking area, and between the parking area and the exits.

*Commercial parking facility* means a lot or building which is used on a regular basis to provide space for the parking of more than five (5) motor vehicles. Any combination of one (1) or more lots or buildings which are both located contiguous to another lot or building or across a street or alley from another lot or building, and are operated by the same person shall be considered one (1) commercial parking facility; however, a lot or building which is provided solely for one (1) or more of the following uses:

- (1) By an employer for use of the employer's employees;
- (2) By a landlord for use of the landlord's tenants;
- (3) By a merchant or professional, selling goods or services, for use of the merchant's or professional's exclusive customers; or
- (4) By the owner of the lot or building, or by a charitable organization, for a period of no more than fourteen (14) consecutive days, and no more than thirty (30) days in a calendar year, for use in connection with a distinct special event or activity outside the geographic area bounded by North, East, South, and West Streets;

shall not be considered a commercial parking facility.

*Division of compliance* means the division of compliance of the department of metropolitan development.

*Motor vehicle* means any self-propelled wheeled vehicle similar to an automobile, truck, bus or motorcycle.

*Motor vehicle reservoir area* means the area at the entrance of a commercial parking facility between the property line and the point ten (10) feet beyond the point at which a ticket or claim check is given, a fee is paid or the registrant takes physical control of the motor vehicle for the purpose of handling it.

(G.O. 183, 1997, § 15; G.O. 3, 2002, § 70)

**Cross references:** Definitions generally, ch. 102.

**Sec. 931-102. Maintenance.**

(a) A registrant under this chapter shall keep the surrounding sidewalks and driveways leading into a commercial parking facility reasonably free from dirt, water, ice, sleet and snow and in a safe condition for the travel of pedestrians.

(b) A registrant under this chapter shall keep the commercial parking facility reasonably free of weeds, dirt, trash and debris.

(G.O. 183, 1997, § 15)

**Sec. 931-103. Prohibited uses on premises.**

It shall be unlawful for a registrant under this chapter to permit the dismantling or wrecking of any motor vehicle, or the storage of any junk motor vehicle, at the commercial parking facility.

(G.O. 183, 1997, § 15)

**Sec. 931-104. Notification of claims for damage or loss.**

Every registrant under this chapter shall notify, within five (5) days, the metropolitan law enforcement agency of every claim the asserted value of which is five hundred dollars (\$500.00) or more, by reason of the loss, theft or conversion of any motor vehicle, or personal property contained therein, while such vehicle was parked at the commercial parking facility.

(G.O. 183, 1997, § 15; G.O. 110, 2005, § 56)

**Sec. 931-105. Notification to police of unclaimed vehicles.**

Every registrant under this chapter shall immediately give written notice to the metropolitan law enforcement agency of the license number, make, and name of the owner, if known to the registrant, of every motor vehicle which is left unclaimed in the commercial parking facility for a period of forty-five (45) consecutive days.

(G.O. 183, 1997, § 15; G.O. 110, 2005, § 56)

**ARTICLE II. REGISTRATIONS****Sec. 931-201. Registration required; fee.**

(a) It shall be unlawful for a person to operate a commercial parking facility in the city without first being registered therefor with the controller.

(b) The annual fee for registration of a commercial parking facility shall be twenty dollars (\$20.00).

(G.O. 183, 1997, § 15; G.O. 87, 2004, § 11)

**Sec. 931-202. Registration information required; plot plan.**

(a) A registration required by this article shall be made to the controller upon a registration form approved first by the division of compliance. The form shall include the following information and any other information which the division of compliance shall require:

(1) The name and address of all persons who have a fee or leasehold interest in the real property on which the commercial parking facility is to be located;

(2) The name and address of the person who proposes to operate the commercial parking facility; if the registrant is a firm, the name and address of each partner shall be given, and if the registrant is a corporation, the name and address of the resident agent and president shall be given;

(3) The address of the commercial parking facility and legal description of the real estate on which it is to be located;

(4) The number of square feet of the commercial parking facility, and the type of ground surface, pavement or floor surface;

(5) The vehicle capacity of the commercial parking facility; and

(6) The nature of the drainage system for any commercial parking facility lot which was constructed or placed in operation after July 1, 1971.

(b) A registrant under this article shall submit with the registration form a scale drawing or plot plan of the commercial parking facility, which shows the configuration of parking spaces, aisles, entrances, exits, barriers, outdoor signs, and motor vehicle reservoir areas; however, a registrant shall not be required to comply with this subsection if:

(1) The commercial parking facility only uses attendant parking;

(2) A scale drawing or plot plan which accurately reflects the information required by this subsection is on file in the division of compliance, and is identified in the form.

(G.O. 183, 1997, § 15; G.O. 3, 2002, § 71)

**Sec. 931-203. Liability insurance or bond.**

(a) As a prerequisite for the approval or renewal of a registration required by this article, the registrant shall post or maintain with the controller either an indemnity bond or a certificate evidencing a policy of liability insurance, executed by a bonding, surety or insurance company authorized to do business in the state. This bond or policy shall be in an amount and form as

determined by the corporation counsel, and shall be conditioned substantially that the registrant will indemnify and save harmless the city, its officers, agents and employees from any and all loss, costs, damages or expenses by reason of legal liability which may result from or arise out of the approval of a registration or the operation of the commercial parking facility for which a registration is issued, and that the registrant will pay any and all loss or damage evidenced by a final judgment for damage, including the theft of any motor vehicle, part or accessory thereof, or personal property stored therein, that may be sustained by a person who may claim redress for property damage or theft, if such results from the operation or maintenance of any commercial parking facility.

(b) The bond or policy of insurance required by subsection (a) of this section shall be maintained in its original amount by the registrant, at the expense of the registrant, at all times during the period for which the registration is in effect and shall be of the type where coverage shall automatically be restored to its original amount after each occurrence from which legal liability has arisen.

(c) If two (2) or more registrations are made by the same person, one (1) such bond or policy of insurance may be furnished to cover two (2) or more commercial parking facilities, if it is in the amount as determined by the corporation counsel for each commercial parking facility covered by the bond or policy of insurance. Any bond posted and maintained with the controller under this section shall be accompanied by good and sufficient sureties approved by the controller.

(G.O. 183, 1997, § 15)

#### **Sec. 931-204. Investigation by division of compliance.**

Prior to the approval or renewal of a registration under this article, the division of compliance shall investigate whether the commercial parking facility is in compliance with the provisions of this chapter and other applicable ordinances and statutes, and report its findings to the controller.

(G.O. 183, 1997, § 15; G.O. 3, 2002, § 72)

#### **Sec. 931-205. Issuance; required findings.**

Upon the completion of the procedures of this article and compliance with the requirements of section 801-202 of the Code, the controller shall issue a certificate of registration to the registrant.

(G.O. 183, 1997, § 15)

#### **Sec. 931-206. Registration term; renewals.**

(a) All registrations issued under this article shall be valid for a period of one (1) year.

(b) Prior to the time a registration under this chapter is renewed, the division of compliance shall inspect the commercial parking facility. If it is determined by the division of compliance that the commercial parking facility is in compliance with the provisions of this chapter, the controller shall renew the registration automatically and without application for renewal by the registrant, unless at the time of renewal:

(1) The registration has been revoked or suspended;

(2) The registration is the subject of administrative or judicial proceedings which have the potential to result in the revocation or suspension of the registration, in which case the registration may continue in effect until the conclusion of the administrative or judicial proceedings; or

(3) The registrant has not paid the registration fee for the following year.

(G.O. 183, 1997, § 15; G.O. 3, 2002, § 73; G.O. 87, 2004, § 12)

**Sec. 931-207. Report of changes of circumstances.**

If changes occur relative to a commercial parking facility during the time a registration is in force, of such a nature as to make the information stated on the registration form inaccurate or incomplete, the registrant shall supply corrected information in writing within thirty (30) days to the division of compliance.

(G.O. 183, 1997, § 15; G.O. 3, 2002, § 73)

**Sec. 931-208. Transferability as to premises or persons.**

(a) A registration under this article may not be used by the registrant at a location other than that described on the registration form and for which the registration was issued.

(b) A registration under this article may not be transferred by the registrant or the controller to any other person.

(G.O. 183, 1997, § 15)

**Sec. 931-209. Temporary commercial parking facilities.**

(a) For purposes of this section, the term temporary commercial parking facility means and includes a commercial parking facility which is used as such:

(1) For no more than three (3) periods of thirty (30) days or less, and no more than a total of forty-five (45) days in a calendar year; or

(2) For no more than two (2) consecutive years, upon a showing that the owner of the land or building intends to develop it for a specified purpose other than a commercial parking facility, and that maintenance of the land or building in compliance with all the requirements of this chapter for such a limited period of time would cause undue economic waste.

(b) All provisions of this chapter are applicable in full to temporary commercial parking facilities unless modified or exempted by this section.

(c) The registration of a temporary commercial parking facility shall be made with the controller, shall meet the applicable requirements of this article for registration forms, and shall be submitted to the controller at least fourteen (14) calendar days prior to the anticipated first day of use. The registration form shall, in addition to the requirements of this article, also state the duration and reason for the temporary use.

(d) The following additional exemptions or modifications of this chapter shall be effective with respect to temporary commercial parking facilities:

(1) Conspicuous outlining of motor vehicle reservoir areas with pavement paint shall not be required;

(2) The provisions of this chapter which relate to drainage and surfacing shall not apply;

(3) The provisions of this chapter which relate to wheel guards shall apply at the discretion of the division of compliance; and

(4) The provisions of this chapter which relate to signs are modified to permit temporary signs, and the "first hour" rate shall be posted on the sign unless hourly rates are charged.

(G.O. 183, 1997, § 15; G.O. 3, 2002, § 74)

**Sec. 931-210. Revocation.**

(a) The controller shall revoke any commercial parking facility registration issued under this article, upon delivery by the division of compliance of its written certification that the registrant:

(1) Has failed, after having been notified in writing and given a period of twenty (20) days to do so, to correct an inaccurate statement of material importance in the registration form, either which was inaccurate as originally made or which became inaccurate because of changes which occurred relative to the commercial parking facility after the date of submission; or

(2) Has knowingly made any false statement in the registration form.

(b) The controller may revoke any commercial parking facility registration if, upon investigation and after a hearing, the controller finds the registrant has failed, after having been notified in writing and given a period of ten (10) days to do so, to properly maintain a bond or insurance policy as required by this article.

(G.O. 183, 1997, § 15; G.O. 3, 2002, § 74)

**ARTICLE III. PREMISES REQUIREMENTS****Sec. 931-301. Parking spaces and aisles when attendant parking does not occur.**

Where attendant parking is not accomplished with regard to a motor vehicle, the part of the commercial parking facility used for the parking of vehicles shall have conspicuously marked parking spaces which shall open directly upon an aisle of such width and design as to provide safe and efficient means of vehicular access to such parking space. Motor vehicles shall not be parked in such aisles.

(G.O. 183, 1997, § 15)

**Sec. 931-302. Surfacing and barriers.**

(a) The ground or floor surface of every commercial parking facility shall be covered with concrete, brick, stone slab, asphaltic pavement or a similar durable and dust-free surface which meets the approval of the division of compliance. The ground or floor surface of the commercial parking facility shall be such as to provide a smooth, level surface for parking and shall be free of depressions, gaps, holes or similar surface aberrations. On due cause shown, the division of compliance may, in writing, allow the use, for a period of time not exceeding six (6) months after the commercial parking facility is opened, of a commercial parking facility which does not conform to this subsection.

(b) The motor vehicle parking area in every commercial parking facility shall be enclosed by barriers, except at places of entrance and exit. If a motor vehicle parking and storage area abuts a building, barriers shall be erected to prevent motor vehicles from striking the building. Such barriers shall be sufficient to stop a motor vehicle rolling at a rate of speed of five (5) miles per hour. The division of compliance, upon written request by the registrant, shall have the power to modify or waive this subsection where it is deemed by the division of compliance to be unnecessary and unreasonably burdensome.

(G.O. 183, 1997, § 15; G.O. 3, 2002, § 75)

**Sec. 931-303. Entrances, exits and required reservoir area.**

(a) Each commercial parking facility shall have at least one (1) entrance and exit, which may or may not be combined, which shall be adequate to afford safe and efficient ingress and egress to the commercial parking facility.

(b) Each commercial parking facility shall have a motor vehicle reservoir area at each entrance at which a ticket or claim check is given, a fee is paid, or the registrant under this chapter takes physical control of the motor vehicle for the purpose of handling it. In commercial parking facilities that consist of less than fifteen thousand (15,000) square feet of area used for aisles and parking, the motor vehicle reservoir area shall contain three (3), nine-foot by twenty-foot spaces. In all other commercial parking facilities, the motor vehicle reservoir area shall consist of four (4), nine-foot by twenty-foot spaces. The motor vehicle reservoir area shall be conspicuously outlined with pavement paint and shall not be used for the parking or storage of motor vehicles, except when all parking spaces are filled. On good cause shown, the division of compliance may, in writing, allow the use of a commercial parking facility which has a motor vehicle reservoir area which does not conform to the requirements of this subsection.

(G.O. 183, 1997, § 15; G.O. 3, 2002, § 75)



**Sec. 931-304. Lighting.**

Lighting devices used to illuminate a commercial parking facility shall be so located, shielded and directed that they do not glare onto or interfere with street traffic or adjacent property uses.

(G.O. 183, 1997, § 15)

**Sec. 931-305. Rate signs required.**

(a) At each commercial parking facility at which a fee is charged other than by parking meters, a rate sign or signs that complies with the requirements of this section shall be maintained at each entrance during hours of operation.

(b) A primary sign shall show, at a minimum, the following information:

(1) The rate charged for parking;

a. If the facility charges a flat rate for parking, collected at the time of entrance into the facility, the "flat rate charge" shall be displayed in figures not less than eight (8) inches in height; or

b. If the facility charges on the basis of the time elapsed from entrance into the facility until exit from the facility, the "hourly charge" for the first hour of parking and daily maximum rates shall be displayed in figures not less than six (6) inches in height.

(2) If the facility charges rates that vary from time to time or event to event such sign shall be changed to reflect the charges being made currently.

(c) A secondary sign is required:

(1) To be prominently displayed which identifies the towing company's name and telephone number in the event that wrongfully parked vehicles are towed, and

(2) For all facilities which charge an hourly rate displaying the rates and methods of calculation of the total charges in letters and figures not less than four (4) inches in height and placed so as to be easily read by motorist entering the facility.

(d) If the entrance to a parking facility is from a one-way street, only one primary sign is required, placed so as to be visible to approaching vehicles. If the entrance to a parking facility is from a street with two-way traffic, the signage must be visible to approaching vehicles from each direction.

(e) Any licensee, his agent or employee who charges a rate in excess of that posted at the time a vehicle entered the facility violates this section. The first violation in a twelve-month period shall be subject to admission of violation and payment of the designated civil penalty of \$100 through the ordinance violations bureau in accordance with chapter 103 of this Code. A second and subsequent violations in a twelve-month period are subject to the enforcement procedures and penalties provided in section 103-3 of this Code.

(f) All signs required by this section shall comply with all other applicable zoning ordinances and restrictions.

(G.O. 183, 1997, § 15; G.O. 86, 2003, § 1)

**Sec. 931-306. Landscaping requirements for commercial parking facilities not in a building.**

(a) Any commercial parking facility that was constructed or placed in operation after July 1, 1971, and in which motor vehicles are not parked within a building, shall comply with the landscape requirements of this section. Any commercial parking facility that was constructed or placed in operation on or before July 1, 1971, and in which motor vehicles are not parked within a building, shall not be altered or modified so as to put it in further conflict with this section. If, however, a provision of a zoning ordinance, variance grant, parole covenant or commitment imposes a more stringent landscape and screening requirement than is found in this section, the provisions of the zoning ordinance, variance grant, parole covenant or commitment shall be controlling.

(b) Yard requirements include the following.

(1) Ten (10) percent of the lot surface area shall be devoted to yard area. "Lot surface area" shall not be considered to include a street right-of-way. Each yard shall be planted and adequately maintained in ground cover, which may include grass, and shrubbery or trees and shall be raised and defined by a six-inch curb.

(2) Part of the yard area requirement shall be met by providing and maintaining a yard (bufferyard) at least five (5) feet in depth along each property line, except at places of entrance and exit, which is contiguous to a street or residential district. For the purpose of this subsection, the term "street" shall mean all designated streets except for any street which is less than thirty (30) feet in width and located within the geographic area bounded by North, East, South and West Streets.

(3) An architectural screen may be permitted in lieu of the bufferyard, upon approval of the division of compliance as to design, material and placement of the architectural screen. The architectural screen shall be a wall or fence of ornamental block or brick, or a combination thereof. For each linear foot of architectural screen, the required number of square feet of yard area shall be reduced by two (2) square feet.

(c) Tree requirements include the following.

(1) A minimum of one (1) live tree of a three-inch caliper size or larger for every two thousand five hundred (2,500) square feet of lot surface area shall be planted and maintained. The trees shall be located in the yard area.

(2) Where an architectural screen is not permitted in lieu of a bufferyard, one (1) of the required trees shall be planted and maintained in the bufferyard for each fifty (50) linear feet of bufferyard.

(d) The division of compliance, upon request by the registrant and upon receiving a suitable alternative plan which meets the general objectives of this section, shall have the power to modify or waive, in writing, any landscape requirements which are deemed by the division of compliance to be unfeasible or unreasonably burdensome.

(G.O. 183, 1997, § 15; G.O. 3, 2002, § 76)